



Doc Code: AP.PRE.REQ

PTO/SB/33 (07-05)

Approved for use through xx/xx/200x. OMB 0651-00xx

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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional)	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]		Application Number	Filed
on <u>August 17, 2005</u>		09/818,922	March 27, 2001
Signature <u><i>Steven M. duBois</i></u>		First Named Inventor	
Typed or printed Name <u>Steven M. duBois</u>		D. Amnon SILVERSTEIN	
		Art Unit	Examiner
		2612	Luong T. Nguyen
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p> <p>I am the</p> <p><input type="checkbox"/> applicant/inventor.</p> <p><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</p> <p><input type="checkbox"/> attorney or agent of record. Registration number _____</p> <p><input checked="" type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34. <u>35,023</u></p> <p><u><i>Steven M. duBois</i></u> Signature</p> <p><u>Steven M. duBois</u> Typed or printed name</p> <p><u>(540) 361-1863</u> Telephone number</p> <p><u>August 17, 2005</u> Date</p> <p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.</p> <p><input type="checkbox"/> *Total of _____ forms are submitted.</p>			

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1460, Alexandria, VA 22313-1450.

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Patent  
Attorney's Docket No. 10992483-1

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of	)	<b>MAIL STOP AF</b>
	)	
D. Amnon Silverstein	)	Group Art Unit: 2612
	)	
Application No: 09/818,922	)	Examiner: Luong Trung Nguyen
	)	
Filed: March 27, 2001	)	
	)	
For: SINGLE SENSOR CHIP DIGITAL	)	
STEREO CAMERA	)	
	)	

**PRE-APPEAL BRIEF REQUEST FOR REVIEW**

Commissioner for Patents  
Alexandria, VA 22313-1450

Sir:

Concurrent with the filing of a Notice of Appeal in connection with the above-identified application, the undersigned requests review of the Final Rejection dated June 17, 2005 for at least the following reasons.

**The Ooshima Patent Does Not Teach or Suggest Using the Liquid Crystal Polarization Filter Missing From Kimura and Kobayashi**

Taking independent claim 4 as exemplary, according to an exemplary embodiment of the present invention a camera includes a left lens system, a right lens system, a light sensor array, a polarizing beam splitter for combining light from the left lens system and light from the right lens system, a polarization filter for selecting between light from the left lens system and light from the right lens system wherein the polarization filter is a liquid crystal device and a control unit for controlling the liquid

crystal polarization filter to select between light from the left lens system and light from the right lens system.

The Office Action rejects claim 4 on the combination of Kimura, Kobayashi and Ooshima. Specifically, Kimura is cited as allegedly teaching a camera having a left lens, a right lens and light sensor array. However, the Office Action recognizes correctly that Kimura fails to specifically disclose a polarizing beam splitter for combining the light from the left lens system and the light from the right lens system and a polarization filter for selecting light from the left lens system and light from the right lens system as well as a control unit for controlling the polarization filter to select light from the left lens system and light from the right lens system. Thus, the Office Action turns to the secondary reference of Kobayashi to remedy these deficiencies of Kimura. However, even the hypothetical combination of Kimura and Kobayashi fails to reach Applicant's claim 4 combination since, as admitted in the Office Action, neither Kimura nor Kobayashi describe using a liquid crystal device as the polarization filter associated with Applicant's claim 4 combination. Thus, the Office Action turns to the tertiary reference of Ooshima et al.

According to the Office Action, on page 3, "Ooshima et al. discloses the polarization filter uses a special glass such as liquid-crystal shutter" (col. 1, lines 29-33). Applicant strenuously traverses this characterization of Ooshima. Ooshima does not teach using a liquid crystal polarization filter. Instead, the cited portion of Ooshima states "moreover, three-dimensional display units for reproducing a three-dimensional image include the polarization filter type using special glasses such as polarization glasses, liquid crystal shutter type for time-division display of right and left images and parallax barrier type requiring no glasses, and lenticular type." Thus, the cited portion of Ooshima describes that one type of a three-dimensional display unit employs a polarization filter such as 3-D glasses which employ polarization, while another type of three-dimensional display unit uses a liquid crystal shutter for time-division display.

Ooshima does not teach or suggest, in the cited portion, the use of a liquid crystal device as a polarization filter. Moreover, Ooshima also does not teach or suggest the use of a liquid crystal polarization filter in a camera having left and right lens systems, among other features, as set forth in Applicant's claim 4 combination. Accordingly, it is respectfully submitted that no combination of Kimura, Kobayashi and Ooshima would have enabled one of ordinary skill in the art to have arrived at Applicant's claim 4 combination given this deficiency of the cited references. Similar comments apply to the other independent claims in the above-identified application.

Respectfully submitted,

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Date: August 17, 2005

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